

Control Number: 48785



Item Number: 141

Addendum StartPage: 0

CONSOLIDATED SOAH DOCKET NO. 473-19-1265

CONSOLIDATED PUC DOCKET NO. 48785

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**JOINT APPLICATION OF ONCOR
ELECTRIC DELIVERY COMPANY
LLC, AEP TEXAS INC., AND LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND THEIR
CERTIFICATES OF CONVENIENCE
AND NECESSITY FOR 345-KV
TRANSMISSION LINES IN PECOS,
REEVES, AND WARD COUNTIES,
TEXAS (SAND LAKE TO SOLSTICE
AND BAKERSFIELD TO SOLSTICE)**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**UNANIMOUS STIPULATION ON ROUTING OF THE
BAKERSFIELD TO SOLSTICE PROJECT WITHIN PECOS COUNTY**

This Unanimous Stipulation on Routing of the Bakersfield to Solstice Project within Pecos County (Route Stipulation) is made and entered into as of the 15th day of February 2019, by and among: LCRA Transmission Services Corporation (LCRA TSC); AEP Texas Inc. (AEP Texas); Oncor Electric Delivery Company LLC (Oncor); the Staff of the Public Utility Commission of Texas (Commission Staff), and all of the intervenors who remain parties to this proceeding who are affected by one or more route alternatives for the Bakersfield to Solstice 345-kV transmission line project that is proposed to be constructed by LCRA TSC and AEP Texas within Pecos County, Texas (collectively, the Signatories).

I. Background

1. On November 7, 2018, LCRA TSC and AEP Texas jointly filed an application at the Public Utility Commission of Texas (PUC or Commission) to amend their certificates of convenience and necessity (CCN) for a proposed double-circuit 345-kV transmission line in Pecos County, Texas (Application) to interconnect the existing Bakersfield and Solstice stations (Bakersfield to Solstice Project). The Application was assigned PUC Docket No. 48787.

2. On November 7, 2018, Oncor and AEP Texas jointly filed an application at the Commission to amend their CCNs for a proposed double-circuit 345-kV transmission line in

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Pecos, Reeves, and Ward Counties, Texas to interconnect the Sand Lake and Solstice stations (Sand Lake to Solstice Project). The application was assigned PUC Docket No. 48785.

3. The Bakersfield to Solstice Project and Sand Lake to Solstice Project (collectively, Projects) share a common endpoint at the Solstice station and were reviewed through the Electric Reliability Council of Texas (ERCOT) Regional Planning Group process and endorsed by ERCOT as components of the Far West Texas Project. ERCOT also designated the Projects as critical to the reliability of the ERCOT transmission system.

4. On November 15, 2018, the Administrative Law Judges (ALJs) from the State Office of Administrative Hearings (SOAH) issued SOAH Order No. 1, which consolidated the applications for the Projects into PUC Docket No. 48785.

5. For the Bakersfield to Solstice Project, the Application included 25 possible alternative routes for the Commission's consideration that met the certification requirements of the Public Utility Regulatory Act (PURA) and the Commission's Substantive Rules. In the Application, LCRA TSC and AEP Texas selected Route 24 as the route that best addresses the requirements of PURA and the Commission's Substantive Rules.

6. Commission Staff filed testimony supporting the selection of Route 24, which included a letter from the Texas Parks and Wildlife Department that also supported Route 24. No party filed testimony or a statement of position opposing Route 24.

7. Discussions between the Signatories have resulted in this Route Stipulation concerning the routing for the Bakersfield to Solstice Project.

8. LCRA TSC, AEP Texas, Oncor, Commission Staff, and all of the intervenors who remain parties to consolidated Docket No. 48785 have executed a Unanimous Need Stipulation regarding the need for the Projects.

9. The Signatories desire to capture the benefits of this Route Stipulation, for which all Signatories express their support, and to resolve all issues regarding the routing of the Bakersfield to Solstice Project and, therefore, agree as follows:

II. Agreement

10. The Signatories agree that the Commission should approve Route 24 for the routing of the Bakersfield to Solstice Project, which is not changed or modified from the route as filed in the Application.

11. A map depicting Route 24 is provided as Attachment 1 to this Route Stipulation. Route 24 uses the following routing links: A-C-D-E-F-M-R-W-X-Y. Attachment 2 shows the location at which ownership will be divided between LCRA TSC and AEP Texas on Route 24.

12. The total length of the right-of-way for Route 24 is 71.1 miles.

13. Route 24 is estimated to cost \$155,959,000. The estimated cost for upgrade of the Bakersfield Station is \$6,533,000 and the estimated cost for upgrade of the Solstice Switch Station is \$38,457,000.

14. The Signatories request and support the following be admitted into evidence in support of this Route Stipulation:

1. The Application of LCRA TSC and AEP Texas for the Bakersfield to Solstice Project;
2. The direct testimony of Sonya Strambler (Miranda), Brent Harris, Lisa Meaux, and Curtis Symank on behalf of LCRA TSC and AEP Texas;
3. LCRA TSC and AEP Texas' Mailer's Affidavit of Notice, filed on November 28, 2018, as supplemented on December 6, 2018, and January 15, 2019;
4. LCRA TSC and AEP Texas' Publisher's Affidavit of Notice, filed on November 28, 2018;
5. The direct testimony of Blake Ianni on behalf of Commission Staff;
6. The settlement testimony of Sonya Miranda in support of the Route Stipulation; and
7. The Route Stipulation and its attachments, including the Proposed Route Order.

15. The Signatories support including the following Ordering Paragraphs in the Commission's order for the Bakersfield to Solstice Project, consistent with prior Commission orders:

- LCRA TSC and AEP Texas must coordinate with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owner's or operator's assessment of the need to install measures to mitigate the effects of AC interference on existing natural gas pipelines that are paralleled by the proposed electric transmission facilities.
- LCRA TSC and AEP Texas must conduct surveys to identify pipelines that could be affected by the proposed transmission line, if not already completed, and coordinate with pipeline owners in modeling and analyzing potential hazards because of AC interference affecting pipelines being paralleled.

16. AEP Texas agrees to abide by the foregoing ordering paragraphs with respect to any crossing of an Atmos Energy pipeline by the Bakersfield to Solstice project.

17. LCRA TSC and AEP Texas agree to coordinate with Atmos Energy before conducting any blasting within 300 feet of Atmos Energy's pipelines to avoid damaging them and before operating any heavy construction equipment across existing Atmos Energy pipeline right-of-way.

18. Atmos Energy agrees that the provisions of this Route Stipulation resolve its requests for relief from the Commission in consolidated Docket No. 48785.

19. The Signatories request the Commission approve and implement this Route Stipulation and issue an order consistent with the terms of this Route Stipulation and the Proposed Findings of Fact, Conclusions of Law and Ordering Paragraphs, attached hereto as Attachment 3, granting LCRA TSC's and AEP Texas' requested amendments to their CCNs for construction and operation of the Bakersfield to Solstice Project on Route 24.

III. Other Provisions

20. This Route Stipulation is binding on each Signatory only for the purpose of settling the issues herein and for no other purpose. Nothing in this Route Stipulation serves to grant any property interest, including without limitation, an easement to LCRA TSC or AEP Texas for the right-of-way for Route 24. Nothing herein shall be construed as an admission by any party regarding the desirability of Route 24, or the impact of Route 24 on any Signatory's property generally or the market value of any Signatory's property specifically.

21. The Signatories have entered into this Route Stipulation in the interest and spirit of settlement and, therefore, agree that the provisions of the Route Stipulation shall be subject to final approval by the Commission. Moreover, the Signatories agree to and move for entry of a final order of the Commission consistent with this Route Stipulation.

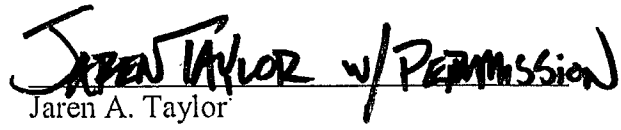
22. This Route Stipulation represents a compromise, settlement, and accommodation among the Signatories, and all Signatories agree that the terms and conditions herein are interdependent and no Signatory shall be bound by a portion of this Route Stipulation outside the context of the Route Stipulation as a whole. If the Commission materially changes the terms of this Route Stipulation or issues a final order inconsistent with a material term of this Route Stipulation, the Signatories agree that any Signatory adversely affected by that material alteration has the right to withdraw its consent to this Route Stipulation and may file a motion for rehearing; thereby becoming released from its commitments and obligations arising hereunder and to proceed as otherwise permitted by law to exercise all rights available under law. Such a right to withdraw must be exercised by providing the other Signatories written notice within 20 calendar days of the date the Commission files its order acting on this Route Stipulation. Failure to provide such notice within the specified time period shall be deemed a waiver of the right to withdraw and, therefore, approval of any material changes to this Route Stipulation made by the Commission. The Signatories separately reserve the right to appeal in the event the Commission enters a final order that materially deviates from this Route Stipulation.

23. Pursuant to Texas Rule of Evidence 408, if any Signatory withdraws its consent from this Route Stipulation in accordance with the preceding paragraph and this matter proceeds to an evidentiary hearing, oral and written statements made during settlement negotiations, including the terms of this Route Stipulation as it pertains to the withdrawing Signatory, shall not be admissible in evidence in such a hearing.

24. The Signatories have agreed that the transmission line should be constructed along Route 24 as described in this Route Stipulation. Route 24 may be modified by agreement of LCRA TSC and AEP Texas and affected landowners, in accordance with the ordering paragraph in the Commission's order related to route modification.

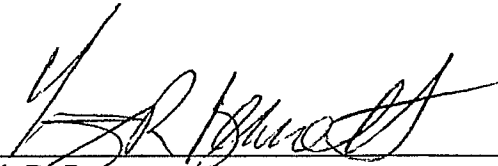
25. Each person executing this Route Stipulation warrants that he or she is authorized to sign this Route Stipulation on behalf of the Signatory represented. Facsimile copies of signatures are valid for purposes of evidencing such execution. The Signatories may sign individual signature pages to facilitate the circulation and filing of the original of this Route Stipulation.

[Signature Pages to Follow]

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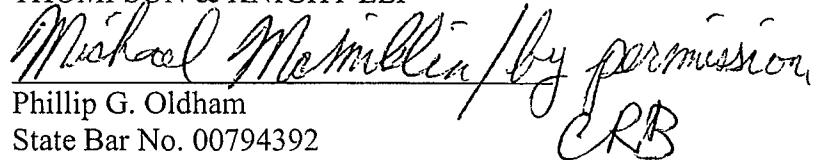
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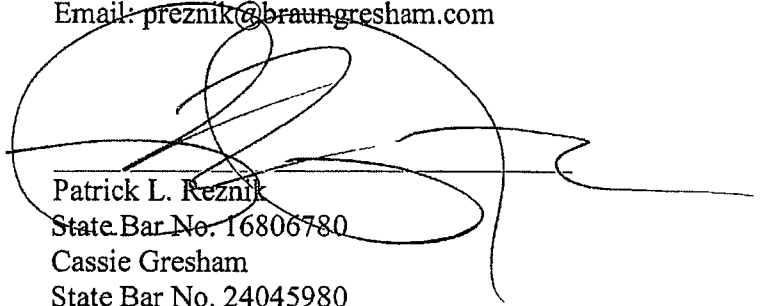
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A large, stylized handwritten signature in black ink, appearing to be 'Patrick L. Reznik', is written over the signature line and extends into the adjacent text area.

Patrick L. Reznik
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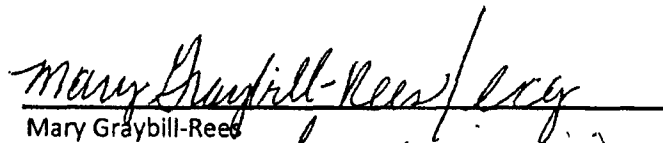
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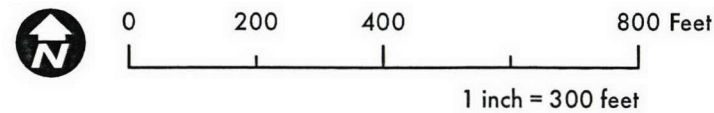
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Bakersfield to Solstice 345-kV Transmission Line Project Location of LCRA TSC/AEP Texas Point of Interconnection



The Point of Interconnection for LCRA TSC facilities and AEP Texas facilities will be located at the midpoint of Route 24, at a structure owned by AEP Texas, on Segment M. Subject to final surveying, engineering and geological assessment, the Point of Interconnection will be located 14.40 miles north of I-10 and 2200 feet west of FM 1053.

LCRA TSC will construct, own, operate and maintain the transmission line east of the Point of Interconnection and AEP Texas will construct, own, operate and maintain the transmission line west of the Point of Interconnection and including the structure on which the Point of Interconnection occurs.

-  AEP Texas/LCRA TSC Point of Interconnection
-  Route 24
-  Parcel Boundary

Aerial Imagery: February 24-26, 2018
Parcel Data: October 2018



AEP Texas/LCRA TSC
Point of Interconnection

M-003

M

M-001

M-005

F-037

F

M-002

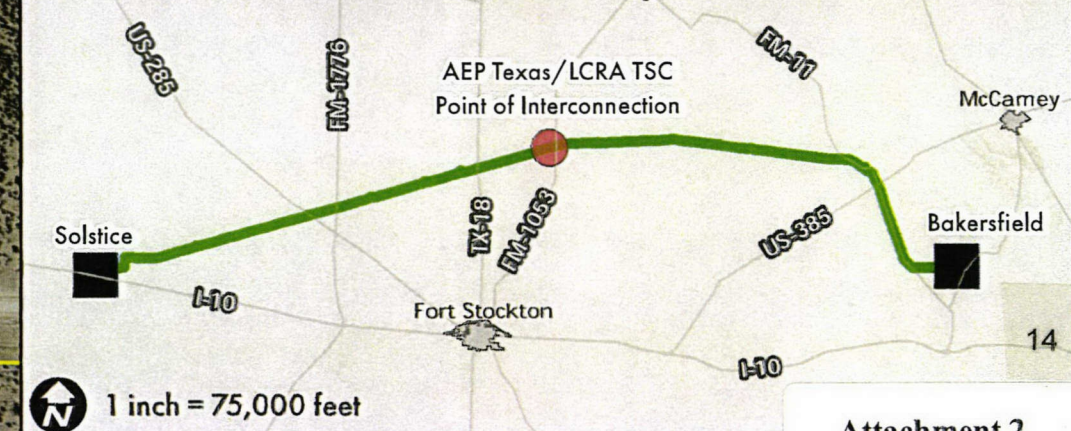
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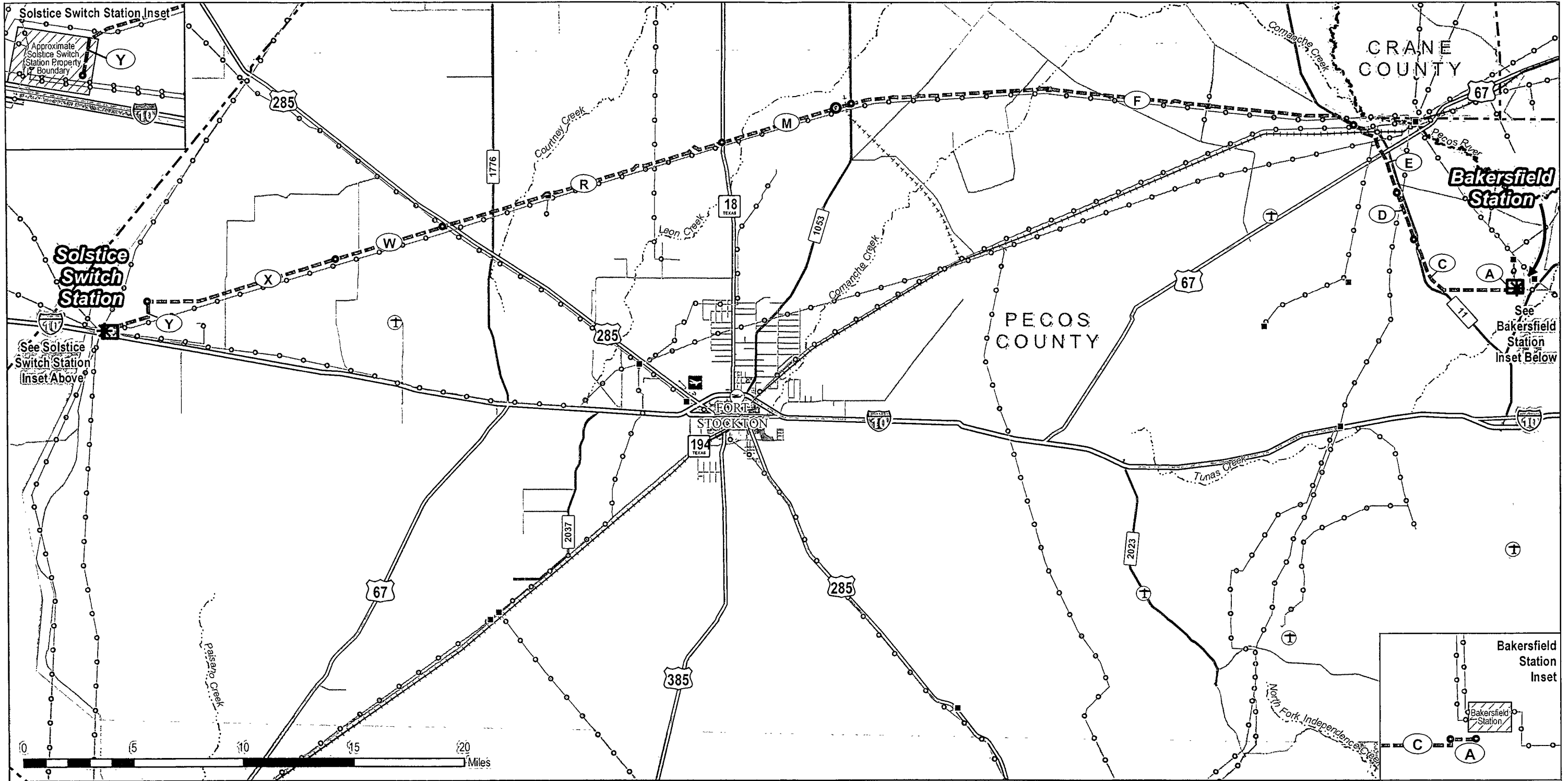
FM 1053

L-014

L-015

Bakersfield to Solstice Project Overview





Project Components

- * Project Endpoint
- (A) Route 24 Segment, Node and Label
- LCRA TSC / AEP Texas Point of Interconnection
- ▨ Substation Area
- ▨ Study Area

Existing Utilities

- Existing Substation
- Transmission Line

Transportation

- Interstate Highway
- US Highway
- State Highway
- Farm-to-Market Road
- Local / County Road

- +++++ Railroad
- +++++ Railroad: Abandoned
- ✈ Public Airport
- ⊕ Private Airstrip
- ⊕ Heliport

Administrative Boundaries

- ▭ County Boundary
- ▭ City Boundary

Surface Water

- ~ River or Stream

Bakersfield to Solstice
345-kV Transmission Line Project

Route 24:
A-C-D-E-F-M-R-W-X-Y



BOUNDLESS ENERGY

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERING
PARAGRAPHS FOR THE BAKERSFIELD TO SOLSTICE PROJECT ROUTING**

A. Findings of Fact

Applicants

1. LCRA Transmission Services Corporation (LCRA TSC) is a non-profit corporation providing service under Certificate of Convenience and Necessity (CCN) No. 30110.
2. AEP Texas Inc. (AEP Texas) is an investor-owned corporation providing service under CCN No. 30170.

Joint Application

3. On November 7, 2018, LCRA TSC and AEP Texas (Applicants) filed with the Public Utility Commission of Texas (Commission) a joint application (the Application) to amend their CCNs to build, own, and operate a new double-circuit 345-kilovolt (kV) transmission line (the Bakersfield to Solstice Project) in Pecos County, Texas between the LCRA TSC Bakersfield Station and the AEP Texas Solstice Switch Station. The Application was assigned Docket No. 48787.
4. LCRA TSC and AEP Texas retained POWER Engineers, Inc. (POWER) to perform and prepare an Environmental Assessment (EA) and routing study for the Bakersfield to Solstice Project.
5. On November 7, 2018, Oncor Electric Delivery Company LLC (Oncor) and AEP Texas filed with the Commission a joint application to amend their CCNs for the proposed Sand Lake to Solstice double-circuit 345-kV transmission line project, which was assigned Docket No. 48785 (the Sand Lake to Solstice Project).

Procedural History

6. On November 7, 2018, the Applicants filed the direct testimonies of Ms. Sonya Strambler (now known as Sonya Miranda), Mr. Brent Harris, Ms. Lisa Meaux, and Mr. Curtis Symank in support of the Application.
7. On November 7, 2018, Oncor filed the direct testimony of Mr. Brent Kawakami in support of the need for the Application.
8. On November 14, 2018, the Commission referred this case to the State Office of Administrative Hearings (SOAH) and identified a number of issues to be addressed.
9. On November 15, 2018, the SOAH ALJs issued Order No. 1 establishing the intervention deadline, consolidating Docket Nos. 48785 and 48787 into Docket No 48785, providing notice of a prehearing conference, describing jurisdiction, and providing other information.

10. On November 27, 2018, the SOAH ALJs convened a prehearing conference in this docket in Austin, Texas, at which time a procedural schedule was adopted.
11. On December 10, 2018, the SOAH ALJs issued Order No. 2 giving notice of the convening of the hearing on the merits at the SOAH offices in Austin at 9:00 a.m. on February 15, 2019, and continuing on February 19-22, 2019. Also in Order No. 2, the ALJs granted in the consolidated docket the motions to intervene filed by Alan Zeman, the City of Garland, Oxy (comprised of Occidental Permian Ltd., Oxy Delaware Basin, LLC, Oxy USA Inc., Oxy USA WTP LP, Houndstooth Resources, LLC, and Occidental West Texas Overthrust, Inc.), Elizabeth Graybill, and Mary Graybill-Rees.
12. On January 15, 2019, the SOAH ALJs issued Order No. 3 granting the motions to intervene in the consolidated docket filed by Cross V Ranch, LP, MMSmithfield Family Limited Partnership, Ltd. (MMSmithfield), Pettus Czar, Ltd. (Pettus Czar), Atmos Pipeline-Texas (Atmos), Barbour, Inc., Forrister Generation-Skipping Trust, Plains Marketing, L.P. and Plains Pipeline, L.P., COG Operating LLC, Esther Dudley, MMEX Resources Corporation, Domingo A. Perez, Brockett & McNeel LLP, Kevin Wilson, and Gale and Dorothy Smith and granted the motion to withdraw of the City of Garland.
13. On or about January 10, 2019, the testimonies of Mr. Eric Dygert for Atmos, Mr. Albert Mendoza for Oxy, Ms. Molly McComb Smithfield, Ms. Margaret Czar, and Mr. Mark Turnbough for MMSmithfield and Pettus Czar, and Gale and Dorothy Smith (collectively, along with Elizabeth Graybill and Mary Graybill-Rees, these parties are referred to as the “Bakersfield to Solstice Project Intervenors”) were filed addressing the routing of the Bakersfield to Solstice Project.
14. Commission Staff filed the direct testimony of its witness, Mr. Blake Ianni, on January 30, 2019 regarding the Bakersfield to Solstice Project.
15. On February __, 2019, the SOAH ALJs issued Order No. __, dismissing __ parties from the consolidated docket for failure to file testimony or statements of position in accordance with the requirements of SOAH Order No. 2.
16. On February 19, 2019, the hearing on the merits concerning routing of the Bakersfield to Solstice Project was held, at which the parties introduced their prefiled testimony and other materials into evidence.
17. On February __, 2019, the SOAH ALJs issued Order No. __, severing the CCN application for the Bakersfield to Solstice Project from consolidated Docket No. 48785 and remanding the Application to the Commission to consider in light of the parties’ settlement.

Description of the Transmission Line

18. The Bakersfield to Solstice Project is a double-circuit 345-kV transmission line within Pecos County, Texas between the LCRA TSC Bakersfield Station and the AEP Texas Solstice Switch Station.

19. LCRA TSC will expand the existing Bakersfield Station to accommodate the new line.
20. AEP Texas will expand the existing 138-kV Solstice Switch Station with the construction of a new 345-kV station yard adjacent to it as the western termination of the Bakersfield to Solstice Project.
21. The Bakersfield to Solstice Project double-circuit transmission line will connect the new 345-kV double-circuit facilities at the two stations, with the line ownership being split at the midpoint of the route (Point of Interconnection).
22. AEP Texas and LCRA TSC will each independently design, construct, own, operate, and maintain their respective portions of the Bakersfield to Solstice Project, with AEP Texas owning the western half and LCRA TSC owning the eastern half of the project.
23. The structure at the Point of Interconnection of the approved route will be a dead-end structure owned by AEP Texas. LCRA TSC's ownership will extend from the Bakersfield Station west to the point at which its conductors connect to AEP Texas' dead-end structure.
24. On Route 24, the Point of Interconnection between the LCRA TSC and AEP Texas facilities will be at a dead-end structure owned by AEP Texas on Segment M. The mid-point structure will be located 14.40 miles north of Interstate-10 off of Farm-to-Market (FM) Road 1053 and 2200 feet west of FM 1053.
25. The Bakersfield to Solstice Project will be constructed on 345-kV double-circuit lattice steel towers. If ordered to or in constrained or other appropriate areas (such as line crossings or in proximity to airports or heliports), LCRA TSC or AEP Texas could use alternative structure types, including H-frames. The heights of typical structures proposed for the project range from 110 to 185 feet above ground.
26. The POWER Project Team included professionals with expertise in different environmental and land use disciplines (geology/soils, hydrology/water quality, terrestrial ecology, wetland ecology, land use/aesthetics, and cultural resources) who were involved in data acquisition, routing analysis, and environmental assessment for the Bakersfield to Solstice Project.
27. To identify preliminary alternative route segments for the Bakersfield to Solstice Project, POWER delineated a study area, sought public official and agency input, gathered data regarding the study area, performed constraints mapping, identified preliminary alternative route segments, and reviewed and adjusted the preliminary alternative route segments following field reconnaissance and an open house meeting.
28. POWER examined potential routes taking into consideration the factors that appear in Public Utility Regulatory Act § 37.056(c)(4)(A)-(D) (PURA), 16 TAC § 25.101, and the Commission's CCN application form.

29. From the preliminary alternative route segments, POWER, LCRA TSC, and AEP Texas identified 25 reasonable, feasible primary alternative routes composed from 82 route segments.
30. In identifying the 25 primary alternative routes, POWER considered a variety of information, including input from the public and public officials, geographic diversity within the study area, and an inventory and tabulation of a number of environmental and land use criteria.
31. LCRA TSC and AEP Texas reviewed the primary alternative routes with regard to cost, construction, engineering, and right-of-way (ROW) maintenance issues and constraints, and conducted field reviews.
32. The primary alternative routes range from 67.8 to 91.8 miles in length.
33. Route 24 is 71.1 miles in length and is tied for the fourth shortest route.
34. All 25 routes are viable, feasible, and reasonable from a land use, environmental, engineering, and cost perspectives.
35. At the time LCRA TSC and AEP Texas filed their Application, and in accordance with the requirement in the Commission's CCN application form, LCRA TSC and AEP Texas identified Route 24 as the route that best addressed the Commission's routing criteria for the reasons included in response to Question 17 of the Application.

Notice and Sufficiency of Application

36. On November 7, 2018, LCRA TSC and AEP Texas:
 - a. mailed direct written notice of the filing of the Application by first-class mail to each owner of land directly affected by the construction of the Bakersfield to Solstice Project, as determined by review of the Pecos County Appraisal District tax data.
 - b. mailed direct written notice of the filing of the Application by first-class mail to the county government of Pecos County, as well as the city government for the city of Fort Stockton.
 - c. mailed direct written notice of the filing of the Application by first-class mail to the following neighboring utilities providing electric utility service within five miles of the requested facilities: Rio Grande Electric Cooperative (RGEC), Southwest Texas Electric Cooperative (SWTEC), South Texas Electric Cooperative (STEC), Oncor, Texas-New Mexico Power Company (TNMP), and Garland Power & Light (Garland).
 - d. mailed written notice of the filing of the Application by first-class mail to other interested entities, including the Office of Public Utility Counsel and the United States Department of Defense Siting Clearinghouse (DOD).

- e. hand-delivered a copy of the Application to TPWD.
- 37. On November 15, 2018, LCRA TSC and AEP Texas published public notice of the Application in the *Fort Stockton Pioneer*, a newspaper of general circulation in Pecos County, Texas.
- 38. On November 28, 2018, LCRA TSC and AEP Texas filed an affidavit attesting to, among other things, the provision of notice of the Application to OPUC; and notice of the Application to cities, counties, neighboring utilities, the DOD, and directly affected landowners.
- 39. On December 6, 2018, LCRA TSC and AEP Texas filed a supplemental affidavit attesting to notice to directly affected landowners.
- 40. On January 15, 2019 LCRA TSC filed a supplemental affidavit attesting to notice to directly affected landowners.
- 41. On November 28, 2018, LCRA TSC and AEP Texas filed an affidavit attesting to published notice of the Application in the *Fort Stockton Pioneer*, a newspaper of general circulation in Pecos County, Texas, the county where the CCN amendments are being requested.
- 42. On December 10, 2018, in SOAH Order No. 2, the SOAH ALJs found the Application to be sufficient and materially complete.
- 43. On December 10, 2018, in SOAH Order No. 2, the SOAH ALJs approved LCRA TSC's and AEP Texas' provision of notice of the Application in this proceeding.
- 44. On January 24, 2019, in SOAH Order No. 4, the SOAH ALJs approved LCRA TSC and AEP Texas' supplemental notice.
- 45. No party challenged the sufficiency of the Application.

Route Adequacy

- 46. LCRA TSC and AEP Texas, together with their routing consultant, POWER, developed and evaluated 25 geographically diverse primary alternative routes (Routes 1-25), comprising 82 primary alternative route segments that can be combined into a wide variety of alternate routes.
- 47. No party raised a route adequacy challenge.
- 48. The Application's 25 geographically diverse routes are an adequate number of reasonably differentiated alternative routes to conduct a proper evaluation.

Evidentiary Record

49. On February 8, 2019, the SOAH ALJs issued Order No. 6, admitting the testimony of Mr. Kawakami supporting the need for the Bakersfield to Solstice Project.
50. On February 19, 2019, the hearing on the merits concerning routing of the Bakersfield to Solstice Project was held, at which the parties introduced their prefiled testimony and other materials into evidence.

Public Input

51. LCRA TSC and AEP Texas held a public open house meeting for the Bakersfield to Solstice Project on July 12, 2018, at the Pecos County Civic Center in Fort Stockton, Texas.
52. The purpose of the open house meeting was to solicit input from landowners, public officials, and other interested persons about the Bakersfield to Solstice Project and the preliminary alternative route segments. Further, the open house meeting was designed to promote a better understanding of the Bakersfield to Solstice Project, including the purpose, need, potential benefits and impacts, and PUC certification process; inform the public with regard to the routing procedure, schedule, and route approval process; and gather and understand the values and concerns of the public and community leaders.
53. LCRA TSC and AEP Texas mailed 1,440 written notices of the open house meeting to all owners of property within 500 feet of the centerline of each preliminary alternative segment.
54. LCRA TSC and AEP Texas also mailed or hand delivered notices of the open house meeting to local public officials and various state and federal officials, including the DOD.
55. Notice of the open house meeting was additionally published in the *Fort Stockton Pioneer*, a local newspaper of general circulation in Pecos County, on July 5 and July 12, 2018.
56. A total of 49 people signed in as attending the public open house meeting.
57. Attendees were provided questionnaires, and LCRA TSC and AEP Texas received a total of 23 completed questionnaires.
58. The public feedback received by LCRA TSC and AEP Texas was evaluated and considered in determining the routes to be included in the Application. Based on input, comments, information received at and following the open house meeting, and additional analyses conducted by LCRA TSC, AEP Texas, and POWER, revisions were made to the preliminary alternative route segments.
59. No landowners have made requests for specific reconfigurations or modifications to accommodate landowner preferences.

Need for the Transmission Line

[Addressed in the Proposed Findings of Fact attached to the Unanimous Need Stipulation]

Effect of Granting Certificate on Other Utilities

[Addressed in the Proposed Findings of Fact attached to the Unanimous Need Stipulation]

Estimated Costs

60. The estimated cost for the primary alternative routes ranges from \$148,875,000 to \$192,422,000.
61. Route 24 is estimated to cost \$155,959,000. The estimated cost for upgrade of the Bakersfield Station is \$6,533,000 and the estimated cost for upgrade of the Solstice Switch Station is \$38,457,000.

Prudent Avoidance

62. Prudent avoidance is defined in 16 TAC § 25.101(a)(6) as the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
63. All of the primary alternative routes presented in the Application conform to the Commission’s policy of prudent avoidance in that they reflect reasonable investments of money and effort in order to limit exposure to electric and magnetic fields.
64. The proposed route complies with the Commission’s policy of prudent avoidance.

Community Values

65. The study area is primarily rural with concentrations of residential and commercial development within the City of Fort Stockton along I-10.
66. The predominant land use within the study area is rangeland and pasture land.
67. None of the identified routes traverse a heavily populated residential area. Whenever possible, LCRA TSC, AEP Texas, and POWER avoided identifying alternative route segments near habitable structures.
68. The greatest number of habitable structures within 500 feet of the centerline of any route is 14, on Route 23.
69. The least number of habitable structures within 500 feet of the centerline on any route is zero on Routes 10, 12, 13, 18, 19, 20, 21, and 22.
70. Route 24 has five habitable structures within 500 feet of the centerline.
71. The project will have minimal impact on community values.

Using or Paralleling Compatible Rights-of-Way

- 72. In developing the primary alternative routes, LCRA TSC and AEP Texas took into account the use and paralleling of existing compatible ROWs (existing transmission lines, roadways, railroads, and telephone utilities), apparent property boundaries, and natural or cultural features.
- 73. The primary alternative routes are adjacent to and parallel existing transmission lines, other existing ROW (public roads, highways, railways, etc.), and apparent property lines from 57% to 86% of the length of the route.
- 74. Route 24 is adjacent and parallel to existing transmission lines, other existing ROW, and apparent property lines for 86% of its length (the highest percent of paralleling of the primary alternative routes).
- 75. None of the primary alternative routes utilize existing transmission line ROW.

Engineering Constraints

- 76. LCRA TSC and AEP Texas considered engineering and construction constraints, reliability issues, and estimated costs to evaluate the primary alternative routes as such relate to the requirements of the PURA and Commission rules.
- 77. LCRA TSC and AEP Texas did not identify any engineering constraints that would prevent construction of the project.

Radio Towers and Other Electronic Installations

- 78. No known AM radio transmitters were identified within the study area or within 10,000 feet of the primary alternative routes.
- 79. The number of microwave towers and other electronic communication towers located within 2,000 feet of any of the primary alternative routes ranges from none for Routes 6, 21, and 25 to three for Routes 1, 5, 7, 10, 12, and 23.
- 80. Route 24 is within 2,000 feet of two microwave or other electronic communication towers.
- 81. The number of electronic installations within 2,000 feet of a primary alternative route centerline is shown in Table 4-1 of the EA.

Airstrips and Airports

- 82. The Fort Stockton-Pecos County Airport has a runway length of greater than 3,200 feet and is within 20,000 feet of Routes 3, 10, 12, 18, 19, 22, and 23.
- 83. Three private airstrips were identified within 10,000 feet of one or more of the proposed alternative routes.

84. There are no public FAA-registered airports or military airstrips with runways shorter than 3,200 feet within 10,000 feet of any of the proposed alternative routes.
85. There are no FAA-registered heliports within 5,000 feet of any of the primary alternative routes.
86. There are no airports, airstrips, or heliports within proximity to Route 24.
87. LCRA TSC, AEP Texas, and POWER identified, listed, and described each airport, airstrip, and heliport, with the approximate distance from the centerline of each of the primary alternative routes, in Section 4.2.4, Table 4-1, and Tables 4-3 through 4-27 of the EA.

Irrigation Systems

88. None of the primary alternative routes impact any pasture or cropland with traveling irrigation systems.

Recreational and Park Areas

89. LCRA TSC, AEP Texas, and POWER properly identified and described park and recreational areas within the study area in Section 4.2.5, and on Tables 4-3 through 4-27 of the EA.
90. None of the alternative routes directly cross any park or recreational areas as defined by the Commission's Standard Application for a CCN.
91. There are only five parks or recreational areas located within 1,000 feet of the centerline of any of the alternative routes: Roadside Park, Interstate-10 Picnic Area, Fourteen Mile Park, Interstate 10 Rest Area-West Bound, and Interstate 10 Rest Area-East Bound.
92. Route 24 has no parks within 1,000 feet of its centerline.
93. No significant impacts to the use of the parks and recreation facilities located within the study area are anticipated from any of the primary alternative routes.

Historical and Archaeological Values

94. LCRA TSC, AEP Texas, and POWER properly identified and described the number of known or recorded historic or prehistoric archaeological sites and cemeteries within 1,000 feet of the ROW of each proposed route in Section 4.3 and Tables 4-3 through 4-27 of the EA.
95. The number of previously recorded cultural resource sites crossed by a proposed route ranges from zero to five.
96. Route 24 crosses two previously recorded cultural resource sites.

Aesthetic Values

- 97. One measure of aesthetic values is the length of ROW that is within the foreground visual zone of Interstate, U.S., and state highways, FM roads, and parks and recreational areas. LCRA TSC, AEP Texas, and POWER calculated this measure for each route and presented it in Section 4.2.6 and in Table 4-1 of the EA.
- 98. The length of route within the foreground visual zone of Interstate, U.S., or state highways ranges from 4.0 to 47.6 miles.
- 99. Route 24 has only 4.0 miles within the foreground visual zone of Interstate, U.S., or state highways (tied with Routes 1 and 6 for the lowest amount of any of the primary alternative routes).

Environmental Integrity

- 100. LCRA TSC, AEP Texas, and POWER evaluated the impacts on environmental integrity from the Bakersfield to Solstice Project, and set out such impacts in detail in the EA and summarized them in Section 4.1.4.4 of the EA.
- 101. The Bakersfield to Solstice Project is not anticipated to significantly adversely impact populations of any federally-listed endangered or threatened species.
- 102. No significant impacts to wetland resources, ecological resources, endangered and threatened species, or land use are anticipated as a result of the construction of the Bakersfield to Solstice Project.

TPWD's Comments and Recommendations

- 103. TPWD provided information and recommendations regarding the preliminary study area for the Bakersfield to Solstice Project to POWER on March 9, 2018.
- 104. On December 20, 2018, TPWD filed a letter in the docket containing its comments and recommendations regarding the Bakersfield to Solstice Project.
- 105. TPWD recommended Route 24 for the Bakersfield to Solstice Project.
- 106. LCRA TSC, AEP Texas, and POWER have taken into consideration the recommendations offered by TPWD.
- 107. Once a route is approved by the Commission, LCRA TSC and AEP Texas can undertake on-the-ground measures to identify potential endangered or threatened species habitat and respond appropriately.
- 108. LCRA TSC and AEP Texas will use avoidance and mitigation procedures to comply with laws protecting federally listed species.

109. LCRA TSC and AEP Texas will revegetate the new ROW as necessary and according to LCRA TSC's and AEP Texas's vegetation management practices, the Storm Water Pollution Prevention Plan (SWPPP) developed for construction of the Bakersfield to Solstice Project, and, in many instances, landowner preferences or requests.
110. LCRA TSC's and AEP Texas' standard vegetation removal, construction, and maintenance practices adequately mitigate concerns expressed by TPWD.
111. LCRA TSC and AEP Texas will use appropriate avian protection procedures.
112. LCRA TSC and AEP Texas will comply with all environmental laws and regulations, including those governing threatened and endangered species.
113. LCRA TSC and AEP Texas will comply with all applicable regulatory requirements in constructing the proposed transmission facilities, including any applicable requirements under Section 404 of the Clean Water Act.
114. LCRA TSC and AEP Texas will cooperate with the United States Fish & Wildlife Service (USFWS) and TPWD if threatened or endangered species habitats are identified during field surveys.
115. Environmental permitting and mitigation measures are determined after a route is approved by the Commission and on-the-ground surveys are completed for the route. Should construction impact federally listed species or their habitat or impact water under the jurisdiction of the United States Army Corps of Engineers (USACE) or the Texas Commission on Environmental Quality (TCEQ), LCRA TSC and AEP Texas will cooperate with the USFWS, USACE, and TCEQ to obtain permits and any required mitigation.
116. The standard mitigation requirements included in the ordering paragraphs in this Order, coupled with LCRA TSC's and AEP Texas' current practices, are reasonable measures for a utility to undertake when constructing a transmission line and are sufficient to address TPWD's comments and recommendations.

Permits

117. Before beginning construction of the proposed transmission line, it is appropriate for LCRA TSC and AEP Texas to conduct a field assessment of each utility's portion of the transmission line to identify water resources, cultural resources, potential migratory bird issues, and threatened or endangered-species habitat impacted as a result of the transmission line. As a result of these assessments, LCRA TSC and AEP Texas will identify any additional permits that are necessary, will consult any required agencies, will obtain all necessary environmental permits, and will comply with the relevant permit conditions during construction and operation of their respective portions of the transmission line.

Coastal Management Program

118. Commission rule 16 TAC § 25.101(a) states that the "commission may grant a certificate for the construction of generating or transmission facilities within the coastal boundary as defined in 31 TAC § 503.1 only when it finds that the proposed facilities are as required under the applicable goals and policies of the Coastal Management Program specified in 31 TAC § 501.14(a), or that the proposed facilities will not have any direct and significant impacts on any of the applicable coastal natural resource areas specified in 31 TAC § 501.3(b).
119. No part of any of the proposed transmission facilities is located within the Coastal Management Program boundary, as defined in 31 TAC § 503.1(b).

Effect on the State's Renewable Energy Goal

120. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
121. The project will not adversely affect the goal for renewable energy development established in PURA § 39.904(a).

Conditional Approval

122. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
123. Seven years is a reasonable and appropriate limit to place on the authority granted in this order to construct the project.

B. Conclusions of Law

1. LCRA TSC and AEP Texas are electric utilities as defined in PURA §§ 11.004 and 31.002(6).

2. The Commission has jurisdiction over this matter pursuant to PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
3. LCRA TSC and AEP Texas must obtain the approval of the Commission to construct the proposed transmission facilities and provide service to the public using those facilities.
4. The Application is sufficient under 16 TAC § 22.75(d).
5. This docket was processed in accordance with the requirements of PURA, the Administrative Procedure Act (Texas Government Code Chapter 2001), and the Commission's rules.
6. LCRA TSC and AEP Texas provided proper notice of the Application in compliance with PURA § 37.054 and 16 TAC § 22.52(a).
7. Additional notice of the approved route is not required.
8. LCRA TSC and AEP Texas provided notice of the public open house meeting in compliance with 16 TAC § 22.52(a)(4).
9. The Bakersfield to Solstice transmission line project using Route 24 is necessary for the service, accommodation, convenience or safety of the public within the meaning of PURA § 37.056.
10. The Texas Coastal Management Program does not apply to any of the transmission facilities proposed in the Application and the requirements of 16 TAC § 25.102 do not apply to the Application.
11. No modifications to the Bakersfield to Solstice Project are required as a result of the recommendations and comments made by TPWD.

C. Ordering Paragraphs

1. The Commission approves construction and operation of the Bakersfield to Solstice Project as specified in this Order on Route 24, comprised of the following segments: A-C-D-E-F-M-R-W-X-Y.
2. The Commission amends LCRA TSC's CCN No. 30110 to include the construction and operation of a new double-circuit 345-kV transmission line that will connect the existing Bakersfield Station to a dead-end structure that will be owned by AEP Texas located 14.40 miles north of Interstate-10 off of Farm-to-Market (FM) Road 1053 and 2200 feet west of FM 1053.
3. The Commission amends AEP Texas' CCN No. 30170 to include construction and operation of a new double-circuit 345-kV transmission line that will connect the existing Solstice Switch Station to a dead-end structure that will be owned by AEP Texas located

14.40 miles north of Interstate-10 off of Farm-to-Market (FM) Road 1053 and 2200 feet west of FM 1053.

4. The authority granted by this Order is limited to a period of seven years from the date the order is signed unless, before that time, the transmission line is commercially energized.
5. LCRA TSC and AEP Texas must coordinate with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners or operators' assessment of the need to install measures to mitigate the effects of AC interference on existing natural gas pipelines that are paralleled by the proposed electric transmission facilities.
6. LCRA TSC and AEP Texas must conduct surveys to identify pipelines that could be affected by the proposed transmission line, if not already completed, and coordinate with pipeline owners in modeling and analyzing potential hazards because of AC interference affecting pipelines being paralleled.
7. In the event LCRA TSC, AEP Texas, or their contractors encounter any archaeological artifacts or other cultural resources during project construction, work must cease immediately in the vicinity of the artifact or resource and the discovery must be reported to the Texas Historical Commission. In that situation, LCRA TSC or AEP Texas must take action as directed by the Texas Historical Commission.
8. LCRA TSC and AEP Texas must use best management practices to minimize the potential impact to migratory birds and threatened or endangered species.
9. LCRA TSC and AEP Texas must follow the procedures to protect raptors and migratory birds as outlined in the publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, APLIC, 2012, Edison Electric Institute and Avian Power Line Interaction Committee (APLIC), Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006*, Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, APLIC and United States Fish and Wildlife Service, 2005. LCRA TSC and AEP Texas must take precautions to avoid disturbing occupied nests and take steps to minimize the impact of construction on migratory birds, during the nesting season of the migratory bird species identified in the area of construction.
10. LCRA TSC and AEP Texas must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the right-of-way, and must ensure that such herbicide use complies with rules and guidelines established in the Federal Insecticide, Fungicide and Rodenticide Act and with Texas Department of Agriculture regulations.
11. LCRA TSC and AEP Texas must minimize the amount of flora and fauna disturbed during construction of the transmission line project, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, LCRA TSC and AEP Texas must re-vegetate using native species and must consider landowner

- preferences and wildlife needs in doing so. Furthermore, to the maximum extent practical, LCRA TSC and AEP Texas must avoid adverse environmental impact to sensitive plant and animal species and their habitats, as identified by TPWD and USFWS.
12. LCRA TSC and AEP Texas must implement erosion control measures as appropriate. Erosion control measures may include inspection of the right-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the impact of vehicular traffic over the areas. LCRA TSC and AEP Texas must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. LCRA TSC and AEP Texas will not be required to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the project's structures or the safe operation and maintenance of the line.
 13. LCRA TSC and AEP Texas must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the proposed transmission line project. Any minor deviations to the approved route must only directly affect the landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and landowners who have agreed to the minor deviation.
 14. LCRA TSC and AEP Texas are not permitted to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, without further amending their CCNs.
 15. If possible, and subject to the other provisions of this Order, LCRA TSC and AEP Texas must prudently implement appropriate final design for this transmission line so as to avoid being subject to the FAA's notification requirements. If required by federal law, LCRA TSC or AEP Texas must notify and work with the FAA to ensure compliance with applicable federal laws and regulations. LCRA TSC and AEP Texas are not authorized to deviate materially from this Order to meet the FAA's recommendations or requirements. If a material change would be necessary to comply with the FAA's recommendations or requirements, then LCRA TSC and AEP Texas must file an application to amend their CCNs as necessary.
 16. LCRA TSC and AEP Texas must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the proposed transmission facilities. If LCRA TSC or AEP Texas fail to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.
 17. LCRA TSC and AEP Texas must include the transmission facilities approved by this Order on their monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, LCRA TSC and AEP Texas must provide final construction costs, with any necessary explanation for cost variance, after completion of construction when all costs have been identified.

18. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.